

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CARMEN L. GHULAM, ET AL,)	
Plaintiffs)	
)	
v.)	C.A. NO. 05-30055-MAP
)	
DENIS RIORDAN, ET AL,)	
Defendants)	

MEMORANDUM AND ORDER REGARDING
REPORT AND RECOMMENDATION WITH REGARD TO
DEFENDANTS' MOTION TO DISMISS
(Docket Nos. 3 & 7)

September 16, 2005

PONSOR, D.J.

On March 23, 2000, plaintiffs filed a visa petition regarding co-plaintiff Muhayyoden Ghulam. Mr. Ghulam was interviewed, and in September 2003 he responded to defendants' request for supplemental evidence regarding the validity of his marriage. No decision has yet been made on the visa petition.

In this lawsuit, plaintiffs seek an order of mandamus requiring the defendants to accelerate review of the petition.

Defendants moved to dismiss the complaint, and the motion was referred to Magistrate Judge Kenneth P. Neiman for Report and Recommendation. On August 12, 2005, the Magistrate Judge issued his Report and Recommendation, to the effect that the defendants' Motion to Dismiss be

allowed.

Upon de novo review, the Report and Recommendation will be adopted and the defendants' Motion to Dismiss will be allowed. For the reasons set forth in Magistrate Judge Neiman's Recommendation, this court has no statutory jurisdiction. Moreover, a delay of five years is not unreasonable in these circumstances. Saleh v. Ridge, 367 F. Supp. 2d 508, 513 (S.D.N.Y. 2005).

For the foregoing reasons, Magistrate Judge Neiman's Report and Recommendation (Docket No. 7) is hereby ADOPTED and the defendants' Motion to Dismiss (Docket No. 3) is hereby ALLOWED. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge